

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
3:20-cv-00420-WCM

TONI COATES,

Plaintiff,

v.

ANDREW SAUL,

Acting Commissioner of the Social  
Security Administration,

Defendant.

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**ORDER**

This matter is before the Court on the following:

1. Plaintiff's Motion for Summary Judgment (Doc. 15); and
2. The Commissioner's "Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g)" (the "Motion to Remand," Doc. 18).<sup>1</sup>

Under Sentence Four of 42 U.S.C. § 405(g), the Court has the authority "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." See Shalala v. Schaefer, 509 U.S. 292, 299, 113 S.Ct. 2625, 2630-31, 125 L.Ed.2d 239 (1993).

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<sup>1</sup> This matter has been referred to the undersigned for any and all proceedings, including entry of a final judgment. Docs. 13 & 14.

Here, the Commissioner asks this Court to “enter a judgment remanding the case to the Commissioner for payment of benefits as of Plaintiff’s 55th birthday under sentence four of 42 U.S.C. § 405(g)” and represents that Plaintiff’s counsel consents to the motion. Doc. 18 at 1.

**IT IS THEREFORE ORDERED THAT:**

1. The Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) (Doc. 18) is **GRANTED**, the Commissioner’s decision is **REVERSED**, and this matter is **REMANDED** for the payment of benefits as of Plaintiff’s 55th birthday pursuant to Sentence Four of 42 U.S.C. § 405(g); and
2. Plaintiff’s Motion for Summary Judgment (Doc. 15) is **DENIED AS MOOT**.

Signed: July 2, 2021



W. Carleton Metcalf  
United States Magistrate Judge

